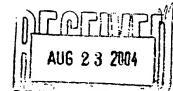
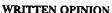
PATENT COOPERATION TREATY



From the INTERNATIONAL PRELIMINARY EXAMINING AUTH	HORITY
To: JANE MASSEY LICATA LICATA & TYRRELL P.C. 66 E. MAIN STREET DOCKET System MARLTON, NJ 0805-Status Report Docket Book 10 19 /04 100	PCT WRITTEN OPINION (PCT Rule 66) 14 JAN 2005
,	Date of Mailing (day/month/year) 19 AUG 2004
Applicant's or agent's file reference	REPLY DUE
DC-0228	within 2 months/days from the above date of mailing
International application No. International fil	ling date (day/month/year) Priority date (day/month/year)
PCT/US03/24148 31 July 2003 (3	
International Patent Classification (IPC) or both national of	classification and IPC
IPC(7): A61K 38/28; 39/395 and US Cl.: 514/3; 424/130 Applicant	0.1
TRUSTEES OF DARTMOUTH COLLEGE	
1. This written opinion is the first (first, etc.) di	rawn by this International Preliminary Examining Authority.
This opinion contains indications relating to th	· · · · · · · · · · · · · · · · · · ·
57	- Marian Marian
1 Basis of the opinion	
II Priority	
III Non-establishment of opinion with	regard to novelty, inventive step and industrial applicability
IV Lack of unity of invention	
V Reasoned statement under Rule 66. citations and explanations supporting	.2 (a)(ii) with regard to novelty, inventive step or industrial applicability;
VI Certain documents cited	ig seen statement
VII Certain defects in the international	andiestian
VIII Certain observations on the interna	
3. The applicant is hereby invited to reply to thi	· · · · · · · · · · · · · · · · · · ·
When? See the time limit indicated about this Authority to grant an external about the second	ove. The applicant may, before the expiration of that time limit, request nsion. See rule 66.2(d).
How? By submitting a written reply,	accompanied, where appropriate, by amendments, according to Rule 66.3. of the amendments, see Rules 66.8 and 66.9.
For the examiner's obligation to	to submit amendments, see Rule 66.4. to consider amendments and/or arguments, see Rule 66.4 bis. on with the examiner, see Rule 66.6
If no reply is filed, the international prelimina	ary examination report will be established on the basis of this opinion.
 The final date by which the international prelu examination report must be established accord 	iminary ling to Rule 69.2 is: <u>40 November 2004 (30.11.2004)</u> .
Name and mailing address of the IPEA/US Mail Stop PCT, Atm: IPEA/US Commissioner for Patents P.O. Box 1450	Arthorized officer Lawkerse Lor Kevin E. Weddington Lawkerse Lor
Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Telephone No. (703) 308-1235

Facsimile No. (703) 305-3230
Form PCT/IPEA/408 (cover sheet)(July 1998)



International	application	No

		PCT/US03/24148
I.	. Basis of the opinion	
1.	. With regard to the elements of the international application:*	
	the international application as originally filed the description:	
	pages 1-20 , as originally filed pages NONE , filed with the demand pages NONE , filed with the letter of	·
	the claims: pages 21, as originally filed pages NONE, as amended (together with any statement of the demand pages NONE, filed with the letter of the drawings:	atement) under Article 19
	pages NONE , as originally filed pages NONE , filed with the demand pages NONE , filed with the letter of	
	the sequence listing part of the description: pages 1 and 2 , as originally filed pages NONE , filed with the demand pages NONE , filed with the letter of	•
	With regard to the language, all the elements marked above we language in which the international application was filed, unless These elements were available or furnished to this Authority in the language of a translation furnished for the purposes of the language of publication of the international application the language of the translation furnished for the purposes of 55.2 and/or 55.3).	otherwise indicated under this item. the following language which is: international search (under Rule23.1(b)). (under Rule 48.3(b)).
3.	With regard to any nucleotide and/or amino acid sequence discopinion was drawn on the basis of the sequence listing:	
	contained in the international application in printed form.	
	filed together with the international application in computer	readable form.
	furnished subsequently to this Authority in written form.	
	furnished subsequently to this Authority in computer readal. The statement that the subsequently furnished written seque international application as filed has been furnished.	ence listing does not go beyond the disclosure in the
	The statement that the information recorded in computer real has been furnished.	adable form is identical to the written sequence listing
4.	The amendments have resulted in the cancellation of:	
	the description, pages NONE	
	the claims, Nos. NONE	
_ r	the drawings, sheets/fig NONE	
5. <u>[</u>	This opinion has been drawn as if (some of) the amendments had repeated the disclosure as filed, as indicated in the Supplemental Bo	ox (Rule 70.2(c)).
· Ro	Replacement sheets which have been furnished to the receiving Office in r	response to an invitation under Article 14 are referred to in

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WRITTEN OPINION

International application No. PCT/US03/24148

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement						
1. STATEMENT						
Novelty (N)	Claims	NONE	YES			
		1	NO			
Inventive Step (IS)	Claims	NONE	_YES			
	Claims	1	_NO			
Industrial Applicability (IA)		1	_YES			
		NONE	NO			
CITATIONS AND EXPLANATIONS Claim 1 meet the criteria set out in PCT Article 33(4) as having industrial applicability in the pharmaceutical art. Claim 1 lacks novelty under PCT Article 33(2) as being anticipated by LaRossa. LaRossa teaches anti-body or functional fragments proteins that include monocyte chemoattractant protein-1 (MCP-1) to treat inflammatory condition.						
Claim 1 lacks an inventive step under PCT Article 33(3) as being obvious over LaRossa. LaRossa was discussed above supra for its intended use. The instant invention differs from the cited reference in that the cited reference does not teach the instant proteins are used to treat pain. However, one skilled in the art would have been motivated to use the instant proteins to treat pain since the instant proteins (possessing anti-inflammatory properties) are routinely used to treat pain in the absence of evidence to the contrary.						
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WRITTEN OPINION

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PCT/US03/24148

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claim 1 is objected to as lacking clarity under PCT Rule 66.2(a)(v) because of the claim is not fully supported by the description. The description does not disclose the claimed invention in a manner sufficiently clear and complete for the claimed invention to be carried out by a person skilled in the art because:

Applicants' description does not contain any test results or experimental data showing the instant proteins will, in fact, prevent pain in a mammal not presently at risk of or predisposed to developing such a condition that will cause pain.

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